



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,540	12/19/2003	Owen Woodruff Bunker II	tuffdoor	1539

20350 7590 04/20/2006

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

LAUX, JESSICA L

ART UNIT PAPER NUMBER

3635

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,540	<b>Applicant(s)</b> BUNKER, OWEN WOODRUFF	
	<b>Examiner</b> Jessica Laux	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 11 and 13 are objected to because of the following informalities:

Claim 11 is not supported by the specification. The specification does not disclose that the exterior edges of the exterior sheath and interior sheath and the internal frame are flush.

Claims 13 and 14 are not supported by the specification. The specification does not disclose that there are apertures in the exterior sheath, interior sheath and the frame inclusively.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the exterior edge of the exterior sheath, interior sheath and frame being flush; the apertures; and the interior frame including a panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 3635

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by "fastening mechanisms". Are there multiple mechanisms at one juncture of the components, or one mechanism at multiple junctures of the components? Also it is unclear as to what a fastening mechanism is. For the purposes of this examination the examiner interprets fastening mechanisms to be screws, nails, adhesive, welding, or the like.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3635

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (6513558).

In regards to claim 1: Chen teaches a door system for a building, said door system comprising: an internal frame (26); an interior sheath attached to said internal frame (Figure 7, element 200a); an exterior sheath attached to said internal frame (Figure 7, element 200 as shown in figure 6); and exterior trim attached on said exterior sheath (23A).

In regards to claim 8: Chen teaches the door system of claim 1 above, wherein said internal frame includes: at least one vertical component (26) and at least one horizontal component (26); and an attachment mechanism (figure 7 shows the two members attached) for attaching said at least one vertical component and said at least one horizontal component to one another.

In regards to claim 11: The door system of claim 1 wherein the exterior edges of said exterior sheath, the exterior edges of said interior sheath and the exterior edges of the internal frame are flush with one another (figure 7).

Claims 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Zen (20010003889).

In regards to claim 15: Zen teaches a door for a building, said door comprising: an internal frame (2); an interior sheath (3) attached to said internal frame an exterior sheath (3) attached to said internal frame; and the exterior edges of said exterior sheath extending beyond the exterior edges of said internal frame (figure 1, where edge 22 of the metal sheath extends beyond the edge of the frame and then wraps back around to be inserted into the groove 21).

In regards to claim 21: The door of claim 15 above, wherein said internal frame includes: a fastening mechanism for fastening said internal frame to at least one of said exterior sheath and said interior sheath (paragraph 0023).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, 9, 13-14, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (6513558).

In regards to claims 2-7: Chen teaches a door system as in claim 1 above, wherein two thin carved wooden doors (200) are joined together with a frame (26) and a filler (27). Chen does not specifically disclose the material of the internal frame or filler material. At the time the invention was made it would have been an obvious matter of

Art Unit: 3635

design choice to a person of ordinary skill in the art to have the internal frame include: metallic components, wood components, plastic components, a solid wooden panel, or a polystyrene panel because Applicant has not disclosed that the use of those materials provides an advantage, is used for a particular purpose, or solves a stated problem. Moreover, it appears that the door of Chen, or applicant's invention, would perform equally well with the frame and filler of any material. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Chen such that the frame and filler be made of any of applicant's claimed materials because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Chen.

In regards to claim 9: The door system of claim 8, wherein said attachment mechanism includes: fastening mechanisms attaching said at least one vertical component and said at least horizontal component to at least one of said exterior sheath and said interior sheath. It is common and well known in the art to use fastening mechanisms to attach a vertical member of a frame to a horizontal member of a frame. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use fastening mechanisms to attach the frame members.

In regards to claims 13 and 14: Chen teaches the door of claim 1 above, but does not teach the door having apertures. Applicant discloses on page 6 of the specification that "Apertures can be made into the exterior sheath, interior sheath, or frame", further discloses on page 8 that "It is to be clearly understood that the hinges may be hidden, mounted on the interior, or the door mounted through other hardware".

Art Unit: 3635

Applicant does not disclose any criticality as to the placement of the apertures. The examiner takes official notice that it is common and known in the art to have apertures in doors to accommodate hinges, hardware, and windows. Further since applicant does not provide criticality as to the placement of the apertures and it appears from the specification that there are a multitude of equally suitable arrangements for the placement of the hinges, hardware, and windows, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of Chen to have apertures through the exterior sheath, frame, and interior sheath since such a modification would provide for attaching hinges, hardware and windows.

In regards to claims 24-26: Chen teaches the door of claims 1-7 and 10-14 above, claims 24-26 merely recite an obvious method of assembling the door (as depicted in figure 7) of claims 1-7 and 10-14 by: placing internal frame components on a surface; securing an interior sheath to the internal frame components; reversing the assembled internal frame components and interior sheath so the internal frame components are exposed; securing an exterior sheath to the internal frame components; fastening trim components to the exterior sheath; and forming apertures for hinges, windows and other hardware on said door.

Claims 16-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zen (20010003889).

In regards to claim 16-20: Zen teaches a door as in claim 15 above, wherein the internal frame includes structural wood components and structural composite components, but does not teach the internal frame to have metal, plastic, or polystyrene



Art Unit: 3635

components. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the internal frame include: metallic components, plastic components, or polystyrene components because Applicant has not disclosed that the use of those materials provides an advantage, is used for a particular purpose, or solves a stated problem. Moreover, it appears that the door of Zen, or applicant's invention, would perform equally well with the internal frame made of any material. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Zen such that the internal frame be made of any of applicant's claimed materials because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Zen.

In regards to claim 22: The door of claim 21 above, wherein said attachment mechanism includes: fasteners securing said interior sheath to said internal frame (paragraph 0023 and 0030). Applicant discloses on page 11 "... fasteners such as screws, nails, adhesive or other structural fastening methods". The examiner interprets other fastening methods to include inserting the edge (22) of the sheath into a groove (21).

In regards to claim 23: The door of claim 21 wherein said attachment mechanism includes: fasteners securing said exterior sheath to said internal frame (paragraph 0023 and 0030). Applicant discloses on page 11 "... fasteners such as screws, nails, adhesive or other structural fastening methods". The examiner interprets

Art Unit: 3635

other fastening methods to include inserting the edge (22) of the sheath into a groove (21).

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zen (20010003889) in view of Lynch et al. (20040003560).

In regards to claim 1: Zen teaches a door system for a building, said door system comprising: an internal frame (2); an interior sheath (3) attached to said internal frame; an exterior sheath (3) attached to said internal frame, but does not teach an exterior trim attached on said exterior sheath. Lynch et al. teaches a trim to be attached on a door (paragraph 0028 and 0029). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of Zen to have trim as taught by Lynch et al. as such a modification would make the door more aesthetically variable to fit into different surroundings.

In regards to claim 10: Zen in view of Lynch et al. teach the door of claim 1 above, wherein the exterior edges of said exterior sheath extend beyond said internal frame (figure 1, where edge 22 of the metal sheath extends beyond the edge of the frame and then wraps back around to be inserted into the groove 21).

Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammar (3121264) in view of Lynch et al. (20040003560).

In regards to claim 1: Hammar teaches a door system for a building, said door system comprising: an internal frame (Col. 1, lines 57-58); an interior sheath (7) attached to said internal frame; an exterior sheath (5) attached to said internal frame, but does not teach an exterior trim attached on said exterior sheath. Lynch et al.

Art Unit: 3635

teaches a trim to be attached on a door (paragraph 0028 and 0029). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of Zen to have trim as taught by Lynch et al. as such a modification would make the door more aesthetically variable to fit into different surroundings.

In regards to claim 12: The door system of claim 1 as taught by Hammar above, wherein the exterior edges of said exterior sheath extend beyond said internal frame (the lip and edge 21 as depicted in the drawings) while the exterior edges of said interior sheath are the same dimensions of the exterior edges of said internal frame (as shown in the drawings where the element 7 extends to the edges of the framing members 11 and 13).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JL  
04/05/2006



N. Slack  
Primary